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FILED
02/21/2023
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Montana Water Court
STATE OF MONTANA
By: D'Ann CIGLER
43B-0405-R-2021
Lambert, Kathryn
27.00

MONTANA WATER COURT, YELLOWSTONE DIVISION
YELLOWSTONE RIVER ABOVE AND INCLUDING BRIDGER CREEK BASIN
BASIN 43B
PRELIMINARY DECREE

CLAIMANT: Baobab Properties LLC; Canadian Rose LLC; Spoon Full
Farm Properties LLC; PSLR LLC

OBJECTOR: United States of America (Bureau of Reclamation)

CASE 43B-0405-R-2021

43B 122382-00
43B 122383-00
43B 122384-00
43B 122385-00
43B 167390-00
43B 167391-00
43B 167392-00
43B 193756-00
43B 193757-00
43B 193928-00
43B 210764-00
43B 214456-00
43B 214546-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusions of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days to be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must mail a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

The United States of America, Bureau of Reclamation objected to each of these claims. On June 6, 2022 Baobab Properties LLC, Canadian Rose LLC, Livingston Equine Enterprises LLC, and the United States of America (Bureau of Reclamation) filed a Stipulation To Resolve Objections. This Stipulation included changes to the point of diversion and means of diversion on some of the claims. As those elements were not at issue on those claims, the requested changes were deemed a motion to amend pursuant to section 85-2-233(6), MCA, for which public notice and personal notice are required. An Order was issued to draft the notice.

The current owners of these claims, singly or in various combinations, are now Baobab Properties LLC, Canadian Rose LLC, Spoon Full Farm Properties LLC, and PSLR LLC. On November 14, 2022 the current parties filed a new Stipulation To Resolve Objections ["Stipulation"]. This Stipulation does not include the requested changes to point of diversion and means of diversion which required public notice and personal notice. This Stipulation requests different changes, including changes to the periods of diversion and periods of use of some claims. For some of these claims, these elements are not at issue. These requested changes are deemed a motion to amend pursuant to section 85-2-233(6), MCA. However, these requested amendments do not require any additional notice. The settlement documents are viewable in the Court's FullCourt Enterprise case management system.

APPLICABLE LAW

The Montana Water Court has jurisdiction to review a motion to amend pursuant to section 85-2-233(6), MCA.

Rule 15 M.R.Civ.P. restricts the scope of the amendments to the conduct, transaction, or occurrence set forth in the original pleading or, in other words, the "same set of operative facts as contained in the original pleading." *Sooy v. Petrolane Steel Gas, Inc.*, 218 Mont. 418, 422-423 (1985). The requested amendment "merely makes more specific that which has already been alleged." *Prentice Lumber Company v. Hukill*, 161 Mont. 8, 15 (1972).

Notice must be published by newspaper if the requested amendments "may adversely affect other water rights." Section 85-2-233(6)(a)(i), MCA.

A properly filed Statement of Claim for Existing Water Right is prima facie proof of its

content pursuant to section 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect including for claimants objecting to their own claims. Rule 19, W.R.Adj.R.

FINDINGS OF FACT

1. For claims 43B 122382-00, 43B 122383-00, 43B 122384-00, and 43B 122385-00, the Stipulation requests reductions to the period of diversion and period of use. This is deemed a motion to amend pursuant to section 85-2-233(6), MCA. The changes requested in the motion to amend arise out of the same conduct, transaction, or occurrence specified on the original Statements of Claim, are based on the same operative facts specified in the Statements of Claim, and merely make more specific that which was already claimed on the original Statements of Claim.

2. For claims 43B 122382-00, 43B 122383-00, 43B 122384-00, and 43B 122385-00, the Preliminary Decree states that the flow rate is 10.12 cfs. For each claim, the flow rate should be 8.70 cfs.

For these claims, the Preliminary Decree states that the maximum acres is 266.90 acres and the place of use is:

<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
10.00		NENWSE	5	2S	10E	PARK
10.00		NWNWSE	5	2S	10E	PARK
10.00		SWNWSE	5	2S	10E	PARK
10.00		SENWSE	5	2S	10E	PARK
10.00		NESWSE	5	2S	10E	PARK
10.00		NWSWSE	5	2S	10E	PARK
5.00		SWSWSE	5	2S	10E	PARK
3.70		SESWSE	5	2S	10E	PARK
2.30		NWSESE	5	2S	10E	PARK
2.50		NWNENW	8	2S	10E	PARK
7.00		NENWNW	8	2S	10E	PARK
5.00		NWNWNW	8	2S	10E	PARK
8.00		SWNWNW	8	2S	10E	PARK
9.00		SENWNW	8	2S	10E	PARK
5.00		NESWNW	8	2S	10E	PARK

9.00	NWSWNW	8	2S	10E	PARK
2.00	NENENE	5	2S	10E	PARK
3.70	SWNENE	5	2S	10E	PARK
10.00	SENE	5	2S	10E	PARK
7.50	NESWNE	5	2S	10E	PARK
2.00	NWSWNE	5	2S	10E	PARK
8.80	SWSWNE	5	2S	10E	PARK
10.00	SESWNE	5	2S	10E	PARK
10.00	NESENE	5	2S	10E	PARK
10.00	NWSENE	5	2S	10E	PARK
10.00	SWSENE	5	2S	10E	PARK
10.00	SESENE	5	2S	10E	PARK
1.50	NESENW	5	2S	10E	PARK
5.00	SESENW	5	2S	10E	PARK
3.00	NENESW	5	2S	10E	PARK
4.00	SENESW	5	2S	10E	PARK
7.50	NESESW	5	2S	10E	PARK
2.00	NWSESW	5	2S	10E	PARK
8.20	SWSESW	5	2S	10E	PARK
6.20	SESESW	5	2S	10E	PARK
10.00	NENESE	5	2S	10E	PARK
8.80	NWNESE	5	2S	10E	PARK
4.00	SWNESE	5	2S	10E	PARK
<u>6.20</u>	SENESE	5	2S	10E	PARK
266.90					

For each claim, the maximum acres irrigated should be 230.00 acres and the place of use should be:

<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
32.00	1	N2NE	5	2S	10E	PARK
40.00		SENE	5	2S	10E	PARK
33.00	2	SWNE	5	2S	10E	PARK
51.00	3	N2SE	5	2S	10E	PARK
39.00		NESE	5	2S	10E	PARK
6.00		NWSESE	5	2S	10E	PARK
18.00		SWSE	5	2S	10E	PARK
<u>11.00</u>	4	SESW	5	2S	10E	PARK
230.00						

For these claims, the following remark should be added to the point of diversion:
WATER DIVERTED FROM THE YELLOWSTONE RIVER IS CONVEYED THROUGH THE VILAS DITCH
TO A SECONDARY POINT OF DIVERSION IN THE NWNESE, GOVT LOT 3, SECTION 7, T2S, R10E.

For these claims, the Preliminary Decree states that the period of diversion and period of use are APRIL 15 TO OCTOBER 15. For each claim, the period of diversion and period of use should be MAY 1 TO SEPTEMBER 1.

For these claims, the Preliminary Decree also includes the following remarks:

THE TIMELY FILED OBJECTION OF RUSTAD RANCH WAS AMENDED BY RASTAND [or RUSTAD] RANCH TO INCLUDE POINT OF DIVERSION. BECAUSE THIS ELEMENT WAS NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THIS CHANGE MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

DITCH NAME WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

These remarks provide notice of these changes made during the Temporary Preliminary Decree proceedings and prior to issuance of the Preliminary Decree. The remarks do not raise unresolved issues which need to be addressed. There are no proceedings required for these remarks. The remarks should be removed as having served their notice purposes.

3. Claim 43B 167390-00 should be terminated as requested in the Stipulation.

4. For claim 43B 167391-00, the Preliminary Decree states that flow rate is 38.81 CFS.

The flow rate should be 20.45 CFS.

The Preliminary Decree states that the maximum acres irrigated is 1,014.00 and the place of use is:

<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
35.00		SENE	34	1S	10E	PARK
36.00		SWNE	34	1S	10E	PARK
40.00		SENW	34	1S	10E	PARK
22.00		SWNW	34	1S	10E	PARK
33.00		NESE	34	1S	10E	PARK
40.00		NWSE	34	1S	10E	PARK
5.00		SESE	34	1S	10E	PARK
20.00		SWSE	34	1S	10E	PARK
40.00		NESW	34	1S	10E	PARK
40.00		NWSW	34	1S	10E	PARK
40.00		SWSW	34	1S	10E	PARK
33.00		SESW	34	1S	10E	PARK
40.00		NESE	34	1S	10E	PARK
40.00		SESE	34	1S	10E	PARK

40.00	SWSE	34	1S	10E	PARK
25.00	NWSE	33	1S	10E	PARK
36.00	SENE	33	1S	10E	PARK
3.00	SWNE	33	1S	10E	PARK
25.00	NENE	33	1S	10E	PARK
4.00	NESW	33	1S	10E	PARK
40.00	SESW	33	1S	10E	PARK
16.00	SWSW	33	1S	10E	PARK
160.00	NW	4	2S	10E	PARK
34.00	NWSW	4	2S	10E	PARK
16.00	NESW	4	2S	10E	PARK
40.00	NENE	4	2S	10E	PARK
40.00	NWNE	4	2S	10E	PARK
34.00	SWNE	4	2S	10E	PARK
15.00	SENE	4	2S	10E	PARK
19.00	NWNW	3	2S	10E	PARK
<u>3.00</u>	SWSW	4	2S	10E	PARK
1,014.00					

The maximum acres should be 540.00 and the place of use should be:

<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
45.00	1	NENE	4	2S	10E	PARK
48.00	2	NWNE	4	2S	10E	PARK
5.00		N2S2NE	4	2S	10E	PARK
15.00	3	NENW	4	2S	10E	PARK
20.00	4	NWNW	4	2S	10E	PARK
31.00		SWNW	4	2S	10E	PARK
6.00	4	NWNW	3	2S	10E	PARK
80.00		S2SE	33	1S	10E	PARK
14.00	8	SESW	33	1S	10E	PARK
16.00	6	NWSE	33	1S	10E	PARK
17.00	7	NESE	33	1S	10E	PARK
52.00		S2NW	34	1S	10E	PARK
17.00		SWNE	34	1S	10E	PARK
137.00		SW	34	1S	10E	PARK
<u>37.00</u>		W2SE	34	1S	10E	PARK
540.00						

The Preliminary Decree states that the source is UNNAMED TRIBUTARY OF YELLOWSTONE RIVER. The source should be YELLOWSTONE RIVER.

The following remark should be added to the point of diversion: WATER DIVERTED FROM THE YELLOWSTONE RIVER IS CONVEYED THROUGH THE VILAS DITCH TO A SECONDARY

POINT OF DIVERSION IN THE NWNSE, GOVT LOT 3, SECTION 7, T2S, R10E.

The Preliminary Decree also includes the following remarks:

THE TIMELY FILED OBJECTION OF DEPARTMENT OF NATURAL RESOURCES & CONSERVATION WAS AMENDED BY CLAIMANT TO INCLUDE POINT OF DIVERSION BECAUSE THESE ELEMENTS WERE NOT INCLUDED ON THE OBJECTION LIST, ANY WATER USER WHOSE RIGHTS MAY BE ADVERSELY AFFECTED BY ENFORCEMENT OF THESE CHANGES MAY PETITION THE APPROPRIATE COURT FOR RELIEF OR MAY FILE AN OBJECTION AT THE PRELIMINARY DECREE.

DITCH NAME AND SOURCE NAME WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

These remarks provide notice of these changes made during the Temporary Preliminary Decree proceedings and prior to issuance of the Preliminary Decree. The remarks do not raise unresolved issues which need to be addressed. There are no proceedings required for these remarks. The remarks should be removed as having served their notice purposes.

5. For claim 43B 167392-00, the Preliminary Decree states that the irrigation type is SPRINKLER. The irrigation type should be SPRINKLER/FLOOD.

The Preliminary Decree states that the maximum acres is 293.00 and the place of use is:

<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
150.00		SE	33	1S	10E	PARK
53.00		SW	33	1S	10E	PARK
<u>90.00</u>		NE	33	1S	10E	PARK
293.00						

The Stipulation and its attached proposed abstract state that the maximum acres total is 256.30 but the total is actually 255.95. The maximum acres should be 255.95 and the place of use should be:

<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
33.00	4	SENE	33	1S	10E	PARK
15.00		NENW	34	1S	10E	PARK
110.15		S2S2	27	1S	10E	PARK
8.00	5	SWNE	33	1S	10E	PARK
32.80	2	NWNW	34	1S	10E	PARK
35.00		N2NE	34	1S	10E	PARK
<u>22.00</u>		SWSW	26	1S	10E	PARK
255.95						

The Preliminary Decree state that the means of diversion is PUMP and the ditch name is

YELLOWSTONE RIVER DITCH. The means of diversion should be HEADGATE and the ditch name should be MILLIGAN DITCH.

The Preliminary Decree also includes the following remark:

ALTHOUGH NOT OBJECTED TO, THE PLACE OF USE WAS CHANGED TO REFLECT THE REDUCTION IN MAXIMUM ACRES IRRIGATED.

This remark provides notice of this change made during the Temporary Preliminary Decree proceedings. The remark does not raise an unresolved issue which needs to be addressed. There are no proceedings required for this remark. The remark should be removed as having served its notice purpose.

6. For claim 43B 193756-00, the Preliminary Decree states that the irrigation type is FLOOD. The irrigation type should be NATURAL OVERFLOW.

The Preliminary Decree states that the flow rate is 2.25 CFS. The flow rate quantification should be removed and the following standard natural overflow flow rate remark added: NO FLOW RATE HAS BEEN DECREED FOR THIS NATURAL OVERFLOW METHOD OF IRRIGATION.

The Preliminary Decree states that the maximum acres irrigated is 130.00 and the place of use is:

<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
50.00		N2NW	34	1S	10E	PARK
<u>80.00</u>		S2SE	27	1S	10E	PARK
130.00						

The maximum acres should be 65.00 and the place of use should be:

<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
15.00	2	N2NW	34	1S	10E	PARK
<u>50.00</u>	7	S2SE	27	1S	10E	PARK
65.00						

The Preliminary Decree states that the source type is GROUNDWATER. The source type should be SURFACE.

The Preliminary Decree states that the means of diversion is HEADGATE and the point of diversion is in the NENWNW section 34, T1S, R10E, PARK. The means of diversion should be NATURAL OVERFLOW and GOVT LOT 2 should be added to the point of diversion legal description.

The Preliminary Decree states that the period of diversion and period of use are each APRIL 15 TO SEPTEMBER 30. They should both be JANUARY 1 TO DECEMBER 31.

7. For claim 43B 193757-00, the Preliminary Decree states that the irrigation type is FLOOD. The irrigation type should be NATURAL OVERFLOW.

The Preliminary Decree states that the flow rate is 2.50 CFS. The flow rate quantification should be removed and the following standard natural overflow flow rate remark added: NO FLOW RATE HAS BEEN DECREED FOR THIS NATURAL OVERFLOW METHOD OF IRRIGATION.

The Preliminary Decree states that the maximum acres irrigated is 120.00 and the place of use is:

<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
40.00		SESW	27	1S	10E	PARK
<u>80.00</u>		S2SE	27	1S	10E	PARK
120.00						

The maximum acres should be 52.00 and the place of use should be:

<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
27.00	6	SESW	27	1S	10E	PARK
<u>25.00</u>	7	S2SE	27	1S	10E	PARK
52.00						

The Preliminary Decree states that the source type is GROUNDWATER. The source type should be SURFACE.

The Preliminary Decree states that the means of diversion is HEADGATE and the point of diversion is in the NWSESW section 27, T1S, R10E, PARK. The means of diversion should be NATURAL OVERFLOW and GOVT LOT 6 should be added to the point of diversion legal description.

The Preliminary Decree states that the period of diversion and period of use are each APRIL 15 TO SEPTEMBER 30. They should both be JANUARY 1 TO DECEMBER 31.

8. For claims 43B 193928-00 and 43B 210764-00, the Preliminary Decree states that the maximum acres irrigated is 400.00 and the place of use is:

<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
30.00		SWSW	26	1S	10E	PARK
80.00		S2SE	27	1S	10E	PARK
50.00		E2NE	33	1S	10E	PARK

160.00	N2N2	34	1S	10E	PARK
<u>80.00</u>	W2NW	35	1S	10E	PARK
400.00					

The Stipulation requests adding GOVT LOTS 7 and 8 to the 50.00 acre parcel in the S2S2 section 27. Two lot numbers cannot be added to a single parcel. For each claim, the maximum acres should be 221.60 and the place of use should be:

<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
22.00		SWSW	26	1S	10E	PARK
50.00		S2S2	27	1S	10E	PARK
50.00	4	E2NE	33	1S	10E	PARK
72.00	2	N2N2	34	1S	10E	PARK
7.60		N2SWNW	34	1S	10E	PARK
<u>20.00</u>		NWNW	35	1S	10E	PARK
221.60						

For each claim, the following second point of diversion, means of diversion, and ditch name should be added: NWNWSE section 33, T1S, R10E, PARK, HEADGATE, MILLIGAN DITCH.

9. For claim 43B 214456-00, the Preliminary Decree states that the irrigation type is FLOOD. The irrigation type should be NATURAL OVERFLOW.

The Preliminary Decree states that the flow rate is 1.11 CFS. The flow rate quantification should be removed and the following standard natural overflow flow rate remark added: NO FLOW RATE HAS BEEN DECREED FOR THIS NATURAL OVERFLOW METHOD OF IRRIGATION.

The Preliminary Decree states that the maximum acres irrigated is 30.00 and the place of use is:

<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
<u>30.00</u>		N2NW	34	1S	10E	PARK
30.00						

The maximum acres should be 20.00 and the place of use should be:

<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
<u>20.00</u>	7	SWSE	27	1S	10E	PARK
20.00						

The Preliminary Decree states that the source type is GROUNDWATER and includes the following clarification remark: DEVELOPED GROUNDWATER SPRING. The source type should be SURFACE and the clarification remark should be removed.

The Preliminary Decree states that the means of diversion is HEADGATE and the point of diversion is in the SWSWSE section 27, T1S, R10E, PARK. The means of diversion should be NATURAL OVERFLOW and GOVT LOT 7 should be added to the point of diversion legal description.

The Preliminary Decree states that the period of diversion and period of use are each APRIL 15 TO SEPTEMBER 30. They should both be JANUARY 1 TO DECEMBER 31.

10. For claim 43B 214546-00, the Preliminary Decree states that the irrigation type is FLOOD. The irrigation type should be NATURAL OVERFLOW.

The Preliminary Decree states that the flow rate is 50.00 GPM. The flow rate quantification should be removed and the following standard natural overflow flow rate remark added: NO FLOW RATE HAS BEEN DECREED FOR THIS NATURAL OVERFLOW METHOD OF IRRIGATION.

The Preliminary Decree states that the maximum acres irrigated is 30.00 and the place of use is:

<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
<u>30.00</u>		N2NW	34	1S	10E	PARK
30.00						

The maximum acres should be 25.00 and the place of use should be:

<u>ACRES</u>	<u>GOVT LOT</u>	<u>QTRSEC</u>	<u>SEC</u>	<u>TWP</u>	<u>RGE</u>	<u>COUNTY</u>
5.00	6	E2SESW	27	1S	10E	PARK
<u>20.00</u>	7	SWSE	27	1S	10E	PARK
25.00						

The Preliminary Decree states that the source type is GROUNDWATER and includes the following clarification remark: DEVELOPED GROUNDWATER SPRING. The source type should be SURFACE and the clarification remark should be removed.

The Preliminary Decree states that the means of diversion is HEADGATE and the point of diversion is in the NESESW section 27, T1S, R10E, PARK. The means of diversion should be NATURAL OVERFLOW and GOVT LOT 7 should be added to the point of diversion legal description.

The Preliminary Decree states that the period of diversion and period of use are each APRIL 15 TO SEPTEMBER 30. They should both be JANUARY 1 TO DECEMBER 31.

CONCLUSIONS OF LAW

1. As the requested amendments are reductions in the period of diversion and period of use, these amendments do not adversely affect other water rights. Notice by publication of these amendments is not required. Section 85-2-233(6), MCA.

2. Each requested amendment “merely makes more specific that which has already been alleged.” *Prentice Lumber Company v. Hukill*, 161 Mont. 8, 15 (1972).

3. The Stipulation, including its motion to amend, are sufficient to contradict and overcome the prima facie claims as they appeared in the Preliminary Decree.

RECOMMENDATIONS

Based upon the above, this Master recommends that the Court grant the motion to amend claims 43B 122382-00, 43B 122383-00, 43B 122384-00, and 43B 122385-00 and make the changes specified in the Findings of Fact to correct the Preliminary Decree for this Basin. A Post Decree Abstract of Water Right Claim for each claim is served with this Report to confirm the recommended changes have been made in the state's centralized record system.

ELECTRONICALLY SIGNED AND DATED BELOW

Service Via USPS Mail:

Andrew P. Suenram
Jean Bergeson
Jacy Suenram
Suenram & Bergeson
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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 122382-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: SPOON FULL FARM PROPERTIES LLC
320 39TH AVE E
SEATTLE, WA 98112 5064

Priority Date: JANUARY 20, 1904

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 8.70 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 230.00

***Source Name:** YELLOWSTONE RIVER
Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSWSE	7	2S	10E	PARK

Period of Diversion: MAY 1 TO SEPTEMBER 1

Diversion Means: HEADGATE

Ditch Name: VILAS DITCH

2		SWNWNE	18	2S	10E	PARK
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Period of Diversion: MAY 1 TO SEPTEMBER 1

Diversion Means: HEADGATE

Ditch Name: VILAS DITCH

WATER DIVERTED FROM THE YELLOWSTONE RIVER IS CONVEYED THROUGH THE VILAS DITCH TO A SECONDARY POINT OF DIVERSION IN THE NWNESE, GOVT LOT 3, SECTION 7, T2S, R10E.

Period of Use: MAY 1 TO SEPTEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	32.00	1	N2NE	5	2S	10E	PARK
2	40.00		SENE	5	2S	10E	PARK
3	33.00	2	SWNE	5	2S	10E	PARK
4	51.00	3	N2SE	5	2S	10E	PARK
5	39.00		NESE	5	2S	10E	PARK
6	6.00		NWSESE	5	2S	10E	PARK

7	18.00		SWSE	5	2S	10E	PARK
8	11.00	4	SESW	5	2S	10E	PARK
Total:		230.00					

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

122382-00

122383-00

122384-00

122385-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 122383-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: SPOON FULL FARM PROPERTIES LLC
320 39TH AVE E
SEATTLE, WA 98112 5064

Priority Date: OCTOBER 26, 1903

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 8.70 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 230.00

***Source Name:** YELLOWSTONE RIVER
Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSWSE	7	2S	10E	PARK

Period of Diversion: MAY 1 TO SEPTEMBER 1

Diversion Means: HEADGATE

Ditch Name: VILAS DITCH

2		SWNWNE	18	2S	10E	PARK
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Period of Diversion: MAY 1 TO SEPTEMBER 1

Diversion Means: HEADGATE

Ditch Name: VILAS DITCH

WATER DIVERTED FROM THE YELLOWSTONE RIVER IS CONVEYED THROUGH THE VILAS DITCH TO A SECONDARY POINT OF DIVERSION IN THE NWNESE, GOVT LOT 3, SECTION 7, T2S, R10E.

Period of Use: MAY 1 TO SEPTEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	32.00	1	N2NE	5	2S	10E	PARK
2	40.00		SENE	5	2S	10E	PARK
3	33.00	2	SWNE	5	2S	10E	PARK
4	51.00	3	N2SE	5	2S	10E	PARK
5	39.00		NESE	5	2S	10E	PARK
6	6.00		NWSESE	5	2S	10E	PARK

7	18.00		SWSE	5	2S	10E	PARK
8	11.00	4	SESW	5	2S	10E	PARK
Total:							
	230.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

122382-00

122383-00

122384-00

122385-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 122384-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: SPOON FULL FARM PROPERTIES LLC
320 39TH AVE E
SEATTLE, WA 98112 5064

Priority Date: APRIL 20, 1902

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 8.70 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 230.00

***Source Name:** YELLOWSTONE RIVER
Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSWSE	7	2S	10E	PARK

Period of Diversion: MAY 1 TO SEPTEMBER 1

Diversion Means: HEADGATE

Ditch Name: VILAS DITCH

2		SWNWNE	18	2S	10E	PARK
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Period of Diversion: MAY 1 TO SEPTEMBER 1

Diversion Means: HEADGATE

Ditch Name: VILAS DITCH

WATER DIVERTED FROM THE YELLOWSTONE RIVER IS CONVEYED THROUGH VILAS DITCH TO A SECONDARY POINT OF DIVERSION IN THE NWNESE, GOVT LOT 3, SECTION 7, T2S, R10E.

Period of Use: MAY 1 TO SEPTEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	32.00	1	N2NE	5	2S	10E	PARK
2	40.00		SENE	5	2S	10E	PARK
3	33.00	2	SWNE	5	2S	10E	PARK
4	51.00	3	N2SE	5	2S	10E	PARK
5	39.00		NESE	5	2S	10E	PARK
6	6.00		NWSESE	5	2S	10E	PARK

7	18.00		SWSE	5	2S	10E	PARK
8	11.00	4	SESW	5	2S	10E	PARK
Total:							
	230.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

122382-00

122383-00

122384-00

122385-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 122385-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: SPOON FULL FARM PROPERTIES LLC
320 39TH AVE E
SEATTLE, WA 98112 5064

Priority Date: APRIL 10, 1906

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD

Flow Rate: 8.70 CFS

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 230.00

***Source Name:** YELLOWSTONE RIVER
Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSWSE	7	2S	10E	PARK

Period of Diversion: MAY 1 TO SEPTEMBER 1

Diversion Means: HEADGATE

Ditch Name: VILAS DITCH

2		SWNWNE	18	2S	10E	PARK
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Period of Diversion: MAY 1 TO SEPTEMBER 1

Diversion Means: HEADGATE

Ditch Name: VILAS DITCH

WATER DIVERTED FROM THE YELLOWSTONE RIVER IS CONVEYED THROUGH THE VILAS DITCH TO A SECONDARY POINT OF DIVERSION IN NWNESE, GOVT LOT 3, SECTION 7, T2S, R10E.

Period of Use: MAY 1 TO SEPTEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	32.00	1	N2NE	5	2S	10E	PARK
2	40.00		SENE	5	2S	10E	PARK
3	33.00	2	SWNE	5	2S	10E	PARK
4	51.00	3	N2SE	5	2S	10E	PARK
5	39.00		NESE	5	2S	10E	PARK
6	6.00		NWSESE	5	2S	10E	PARK

7	18.00		SWSE	5	2S	10E	PARK
8	11.00	4	SESW	5	2S	10E	PARK
Total:		230.00					

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

122382-00

122383-00

122384-00

122385-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: **43B 167390-00** STATEMENT OF CLAIM

Version: 3 -- POST DECREE

Status: **DISMISSED**

Owners:

BAOBAB PROPERTIES LLC
320 39TH AVENUE EAST
SEATTLE, WA 98112

CANADIAN ROSE LLC
320 39TH AVENUE EAST
SEATTLE, WA 98112

PSLR LLC
PO BOX 2003
LIVINGSTON, MT 59047 4706

Priority Date:

Type of Historical Right:

Purpose (use): IRRIGATION

Flow Rate:

Volume:

Source Name: UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

Period of Use:

Place of Use:

Remarks:

THIS CLAIM WAS DISMISSED BY ORDER OF THE WATER COURT.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 167391-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: BAOBAB PROPERTIES LLC
320 39TH AVENUE EAST
SEATTLE, WA 98112

CANADIAN ROSE LLC
320 39TH AVENUE EAST
SEATTLE, WA 98112

PSLR LLC
PO BOX 2003
LIVINGSTON, MT 59047 4706

Priority Date: APRIL 23, 1891
Type of Historical Right: FILED
Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD
THIS WATER RIGHT ALSO INCLUDES SUBIRRIGATION AS AN INCIDENTAL TYPE OF IRRIGATION.

Flow Rate: 20.45 CFS
***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
Climatic Area: 3 - MODERATE
***Maximum Acres:** 540.00
***Source Name:** YELLOWSTONE RIVER
Source Type: SURFACE WATER

***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		SWSWSE	7	2S	10E	PARK

Period of Diversion: MAY 1 TO SEPTEMBER 1

Diversion Means: HEADGATE

Ditch Name: VILAS DITCH

2		SWNWNE	18	2S	10E	PARK
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Period of Diversion: MAY 1 TO SEPTEMBER 1

Diversion Means: HEADGATE

Ditch Name: VILAS DITCH

WATER DIVERTED FROM THE YELLOWSTONE RIVER IS CONVEYED THROUGH THE VILAS DITCH TO A SECONDARY POINT OF DIVERSION IN THE NWNESE, GOVT LOT 3, SECTION 7, T2S, R10E.

Period of Use: MAY 1 TO SEPTEMBER 1

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	45.00	1	NENE	4	2S	10E	PARK
2	48.00	2	NWNE	4	2S	10E	PARK
3	5.00		N2S2NE	4	2S	10E	PARK
4	15.00	3	NENW	4	2S	10E	PARK
5	20.00	4	NWNW	4	2S	10E	PARK
6	31.00		SWNW	4	2S	10E	PARK
7	6.00	4	NWNW	3	2S	10E	PARK
8	80.00		S2SE	33	1S	10E	PARK
9	14.00	8	SESW	33	1S	10E	PARK
10	16.00	6	NWSE	33	1S	10E	PARK
11	17.00	7	NESE	33	1S	10E	PARK
12	52.00		S2NW	34	1S	10E	PARK
13	17.00		SWNE	34	1S	10E	PARK
14	137.00		SW	34	1S	10E	PARK
15	37.00		W2SE	34	1S	10E	PARK
Total:	540.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

167391-00

167392-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 167392-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: BAOBAB PROPERTIES LLC
320 39TH AVENUE EAST
SEATTLE, WA 98112
CANADIAN ROSE LLC
320 39TH AVENUE EAST
SEATTLE, WA 98112

Priority Date: MARCH 31, 1897
Type of Historical Right: FILED
Purpose (use): IRRIGATION
Irrigation Type: SPRINKLER/FLOOD
Flow Rate: 2.00 CFS
***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
Climatic Area: 3 - MODERATE
***Maximum Acres:** 255.95
Source Name: YELLOWSTONE RIVER
Source Type: SURFACE WATER
Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNWSE	33	1S	10E	PARK

Period of Diversion: MAY 15 TO AUGUST 15

Diversion Means: HEADGATE

Ditch Name: MILLIGAN DITCH

Period of Use: MAY 15 TO AUGUST 15

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	33.00	4	SENE	33	1S	10E	PARK
2	15.00		NENW	34	1S	10E	PARK
3	110.15		S2S2	27	1S	10E	PARK
4	8.00	5	SWNE	33	1S	10E	PARK
5	32.80	2	NWNW	34	1S	10E	PARK
6	35.00		N2NE	34	1S	10E	PARK
7	22.00		SWSW	26	1S	10E	PARK

Total: 255.95

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

167391-00

167392-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 193756-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: BAOBAB PROPERTIES LLC
320 39TH AVENUE EAST
SEATTLE, WA 98112

CANADIAN ROSE LLC
320 39TH AVENUE EAST
SEATTLE, WA 98112

SPOON FULL FARM PROPERTIES LLC
320 39TH AVE E
SEATTLE, WA 98112 5064

Priority Date: APRIL 1, 1928
Type of Historical Right: FILED
Purpose (use): IRRIGATION
Irrigation Type: NATURAL OVERFLOW
Flow Rate: NO FLOW RATE HAS BEEN DECREED FOR THIS NATURAL OVERFLOW METHOD OF IRRIGATION.
***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
Climatic Area: 3 - MODERATE
***Maximum Acres:** 65.00
Source Name: SPRING, UNNAMED TRIBUTARY OF YELLOWSTONE RIVER
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	2	NENWNW	34	1S	10E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: NATURAL OVERFLOW

Period of Use: JANUARY 1 TO DECEMBER 31

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	15.00	2	N2NW	34	1S	10E	PARK
2	50.00	7	S2SE	27	1S	10E	PARK

Total: 65.00

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

193756-00

193757-00

193928-00

210764-00

214456-00

214546-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 193757-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: SPOON FULL FARM PROPERTIES LLC
320 39TH AVE E
SEATTLE, WA 98112 5064

Priority Date: APRIL 1, 1928

Type of Historical Right: FILED

Purpose (use): IRRIGATION
Irrigation Type: NATURAL OVERFLOW

Flow Rate: NO FLOW RATE HAS BEEN DECREED FOR THIS NATURAL OVERFLOW METHOD OF IRRIGATION.

***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 3 - MODERATE

Maximum Acres: 52.00

Source Name: SPRING, UNNAMED TRIBUTARY OF YELLOWSTONE RIVER

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	6	NWSESW	27	1S	10E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: NATURAL OVERFLOW

Period of Use: JANUARY 1 TO DECEMBER 31

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	27.00	6	SESW	27	1S	10E	PARK
2	25.00	7	S2SE	27	1S	10E	PARK
Total:	52.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

193756-00	193757-00	193928-00	210764-00	214456-00	214546-00
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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 193928-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: BAOBAB PROPERTIES LLC
320 39TH AVENUE EAST
SEATTLE, WA 98112

CANADIAN ROSE LLC
320 39TH AVENUE EAST
SEATTLE, WA 98112

SPOON FULL FARM PROPERTIES LLC
320 39TH AVE E
SEATTLE, WA 98112 5064

Priority Date: APRIL 4, 1892
Type of Historical Right: DECREED
Purpose (use): IRRIGATION
Irrigation Type: FLOOD
Flow Rate: 5.00 CFS
***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
Climatic Area: 3 - MODERATE
Maximum Acres: 221.60
Source Name: YELLOWSTONE RIVER
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		NWNWSE	33	1S	10E	PARK	
Period of Diversion: APRIL 15 TO SEPTEMBER 30							
Diversion Means: HEADGATE							
Ditch Name: YELLOWSTONE RIVER DITCH							
2		NWNWSE	33	1S	10E	PARK	
Period of Diversion: APRIL 15 TO SEPTEMBER 30							
Diversion Means: HEADGATE							
Ditch Name: MILLIGAN DITCH							
Period of Use: APRIL 15 TO SEPTEMBER 30							
Place of Use:							
<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	22.00		SWSW	26	1S	10E	PARK

2	50.00		S2S2	27	1S	10E	PARK
3	50.00	4	E2NE	33	1S	10E	PARK
4	72.00	2	N2N2	34	1S	10E	PARK
5	20.00		NWNW	35	1S	10E	PARK
6	7.60		N2SWNW	34	1S	10E	PARK
Total:							
	221.60						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

193756-00	193757-00	193928-00	210764-00	214456-00	214546-00
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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 210764-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: BAOBAB PROPERTIES LLC
320 39TH AVENUE EAST
SEATTLE, WA 98112

CANADIAN ROSE LLC
320 39TH AVENUE EAST
SEATTLE, WA 98112

SPOON FULL FARM PROPERTIES LLC
320 39TH AVE E
SEATTLE, WA 98112 5064

Priority Date: MARCH 1, 1905
Type of Historical Right: DECREED
Purpose (use): IRRIGATION
Irrigation Type: FLOOD
Flow Rate: 5.00 CFS
***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
Climatic Area: 3 - MODERATE
Maximum Acres: 221.60
Source Name: YELLOWSTONE RIVER
Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>	
1		NWNWSE	33	1S	10E	PARK	
Period of Diversion: APRIL 15 TO SEPTEMBER 30							
Diversion Means: HEADGATE							
Ditch Name: YELLOWSTONE RIVER DITCH							
2		NWNWSE	33	1S	10E	PARK	
Period of Diversion: APRIL 15 TO SEPTEMBER 30							
Diversion Means: HEADGATE							
Ditch Name: MILLIGAN DITCH							
Period of Use: APRIL 15 TO SEPTEMBER 30							
Place of Use:							
<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	22.00		SWSW	26	1S	10E	PARK

2	50.00		S2S2	27	1S	10E	PARK
3	50.00	4	E2NE	33	1S	10E	PARK
4	72.00	2	N2N2	34	1S	10E	PARK
5	20.00		NWNW	35	1S	10E	PARK
6	7.60		N2SWNW	34	1S	10E	PARK
Total:							
	221.60						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

193756-00	193757-00	193928-00	210764-00	214456-00	214546-00
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POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 214456-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: BAOBAB PROPERTIES LLC
320 39TH AVENUE EAST
SEATTLE, WA 98112

CANADIAN ROSE LLC
320 39TH AVENUE EAST
SEATTLE, WA 98112

***Priority Date:** APRIL 1, 1928
***Type of Historical Right:** FILED
***Purpose (use):** IRRIGATION
Irrigation Type: NATURAL OVERFLOW
***Flow Rate:** NO FLOW RATE HAS BEEN DECREED FOR THIS NATURAL OVERFLOW METHOD OF IRRIGATION.
***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
Climatic Area: 3 - MODERATE
***Maximum Acres:** 20.00
***Source Name:** SPRING, UNNAMED TRIBUTARY OF YELLOWSTONE RIVER
Source Type: SURFACE WATER
***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	7	SWSWSE	27	1S	10E	PARK
Period of Diversion:	JANUARY 1 TO DECEMBER 31					
Diversion Means:	NATURAL OVERFLOW					
*Period of Use:	JANUARY 1 TO DECEMBER 31					
*Place of Use:						

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	20.00	7	SWSE	27	1S	10E	PARK
Total:	20.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

193756-00

193757-00

193928-00

210764-00

214456-00

214546-00

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: 43B 214546-00 STATEMENT OF CLAIM
Version: 3 -- POST DECREE
Status: ACTIVE

Owners: BAOBAB PROPERTIES LLC
320 39TH AVENUE EAST
SEATTLE, WA 98112
CANADIAN ROSE LLC
320 39TH AVENUE EAST
SEATTLE, WA 98112

***Priority Date:** APRIL 1, 1928
***Type of Historical Right:** FILED
***Purpose (use):** IRRIGATION
Irrigation Type: NATURAL OVERFLOW
***Flow Rate:** NO FLOW RATE HAS BEEN DECREED FOR THIS NATURAL OVERFLOW METHOD OF IRRIGATION.
***Volume:** THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.
Climatic Area: 3 - MODERATE
***Maximum Acres:** 25.00
***Source Name:** SPRING, UNNAMED TRIBUTARY OF YELLOWSTONE RIVER
Source Type: SURFACE WATER
***Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	7	NESEW	27	1S	10E	PARK

Period of Diversion: JANUARY 1 TO DECEMBER 31

Diversion Means: NATURAL OVERFLOW

***Period of Use:** JANUARY 1 TO DECEMBER 31

***Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	20.00	7	SWSE	27	1S	10E	PARK
2	5.00	6	E2SEW	27	1S	10E	PARK
Total:	25.00						

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

193756-00	193757-00	193928-00	210764-00	214456-00	214546-00
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